

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission :

On Its Own Motion :

-vs- :

Union Pacific Railroad; Goodfarm Township located in Grundy :
County; and the State of Illinois, Department of Transportation :

T01-0056

Citation with respect to improving public safety where Union :
Pacific tracks cross two public highways at-grade known as :
Filman Road (TR 142A, DOT 290 530M) and Gantzert Road (TR :
128B, DOT 290 532B), located in Goodfarm Township, by :
closing, abolishing, and barricading the Filman Road and :
Gantzert Road grade crossings and by providing any other relief :
that the Commission may under the circumstance deem :
necessary and appropriate and dividing the cost among the :
parties in accordance with Law. :

SUPPLEMENTAL ORDER

By the Commission:

On May 28, 2002, a Petition to Reopen was filed with the Illinois Commerce Commission ("Commission") on behalf of Goodfarm Township ("Township") in Grundy County requesting that Commission incentive funds be granted to the Township for the at-grade crossings Ordered closed by the Commission on March 27, 2002.

On June 19, 2002, the Commission in conference granted the Township's Petition to Reopen, and a hearing was scheduled.

On August 8, 2002, pursuant to proper legal notice, a hearing was held before a duly authorized Administrative Law Judge at the Commission's Office in Springfield, Illinois. Appearances were entered by counsel of the Township, the Union Pacific Railroad ("Railroad") and the Scully Trust, a representative of the Illinois Department of Transportation ("Department") and a member of the Commission's Rail Safety Section ("Staff").

At the August 8, 2002 hearing, a representative of the Township provided testimony that the closures of the Filman Road (TR 42A, DOT 290 530M) and the Gantzert Road (TR 128B, DOT 290 532B) public highway-rail at-grade crossings had been discussed by the Township through correspondence with Grundy County and the Department. The Township's representative also testified that Staff had later contacted the Township to close the crossings and informed the Township they would be eligible for \$25,000 in Grade Crossing Protection Fund incentive grants for each crossing the Township agreed to close. Staff provided

testimony confirming that the Township was approached by Staff to close the crossings, utilizing the incentive grant policy adopted by the Commission in the fall of 2000.

The Commission, having given due consideration to the entire record in this matter, finds that:

- (1) the Commission has jurisdiction over the parties and the subject matter of this proceeding;
- (2) the recitals of fact as set forth in the prefatory portion of this Order are supported by the record and are hereby adopted as findings of fact;
- (3) the Township agreed to the closures of the Filman Road (TR 42A, DOT 290 530M) and the Gantzert Road (TR 128B, DOT 290 532B) public highway-rail at-grade crossings; with the support of the Township, Staff recommended that the commission initiate formal proceedings to close the two crossings; on September 26, 2001, the Commission entered a Citation concerning this matter;
- (4) the Township will vacate Filman Road between Old Route 66 and Stonewall Road (approximately 0.7 miles) and Gantzert Road between Old Route 66 and Scully Road (approximately 0.7 miles) once the two aforesaid crossings are closed; during the public hearing held on January 18, 2002, the Township testified and the Department confirmed, that the Township receives Motor Fuel Tax funds for these sections of public roadways; with vacating, annual payments to the Township from the Motor Fuel Tax funds associated with these sections of Filman Road and Gantzert Road will be eliminated;
- (5) four-quadrant gate warning systems and extensive roadway work to meet Commission standards, to accommodate high-speed rail train movements, will not be required at the two crossings since they will be closed saving an estimated \$800,000; the annual cost to maintain two four-quadrant gate warning systems will also be realized; in addition, the State will benefit from cost savings associated with the elimination of annual motor fuel tax payments for the aforesaid sections of Filman Road and Gantzert Road to be vacated;
- (6) the Commission finds that the closures are consistent with the policy allowing incentive grants for crossing closures and as such \$25,000 for each closure should be transferred from the Grade Crossing Protection Fund to the Township's Motor Fuel Tax account.

IT IS THEREFORE ORDERED by the Commission that for the closures of the Filman Road (TR 142A, DOT 290 530M) and Gantzert Road (TR 128B, DOT 290 532B) public highway-rail grade crossings located in Goodfarm Township, Grundy County, Illinois, \$50,000 should be transferred from the Grade Crossing Protection Fund to the Township's Motor Fuel Tax account.

IT IS FURTHER ORDERED that once the two aforesaid public highway-rail at-grade crossings are closed, the Township shall vacate Filman Road between Old Route 66 and Stonewall Road (approximately 0.7 miles) and Gantzert Road between Old Route 66 and Scully Road (approximately 0.7 miles).

IT IS FURTHER ORDERED that all other terms and conditions of the original Order dated March 27, 2002, shall remain in full force and effect except as herein modified.

IT IS FURTHER ORDERED that subject to Section 18c-2201 and 18c-2206 of the Law, this is a final decision of the Commission subject to Administrative Review Law.

By Order of the Commission this 11th day of September, 2002.

Kevin H. Wright₃

Chairman

JUDGE	<i>[Signature]</i>
SECTION CHIEF	
ORDERS SUPERVISOR	<i>[Signature]</i>